

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yi-Chen Chung

Title: INTERPOLATIVE INTERLEAVING OF VIDEO IMAGES

App. No.: 10/763,572

Filed: January 23, 2004

Examiner: KOSTAK, Victor R.

Group Art Unit: 2622

Atty. Dkt. No.: 1087-PROT0005

Confirmation No.: 4877

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

This is a petition to withdraw holding of abandonment for the above referenced application. The Notice of Abandonment mailed January 22, 2007 states that the application was held abandoned based on the Applicant's failure to timely pay the issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicant respectfully submits that the application is not in fact abandoned under the reasoning of *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971) because the Applicant's representative did not receive the Notice of Allowance. See *M.P.E.P.* §711.03(c) *L.A. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action*.

The following statement of facts is filed in support of the petition:

- 1) The file jacket for the application, maintained by the Applicant's representative, does not include any indication of receipt of the Notice of Allowance as supported by the attached copy of the file index for the application.

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on March 8, 2007

Emma L. Meyer

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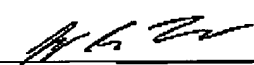
- 2) The docket records for the application, maintained by the Applicant's representative, do not include any indication of receipt of the Notice of Allowance as supported by the attached printout of the docket record for the application.
- 3) The Applicant's representative only became aware of the Notice of Allowance and of the holding of abandonment on February 7, 2007 upon receiving a letter including the Notice of Abandonment forwarded to the Applicant's representative from Gary J. Edwards of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.
- 4) The required issue fee and publication fee are filed herewith.
- 5) A copy of the Notice of Allowance provided by the Examiner via facsimile transmission is filed herewith.

Accordingly, Applicant requests the Commissioner to grant this petition to withdraw the holding of abandonment.

While no additional fees are believed necessary for the filing of this petition, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

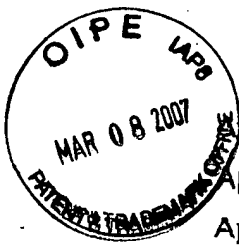
Respectfully submitted,

3-7-2007
Date


Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER, L.L.P.
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Austin, Texas 78759
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(512) 327-5575 (fax)

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- 2 -



Atty. Docket No.: 1087-PROT0005

Application No.: 10/763,572

Application Date: January 23, 2004

Inventor: Yi-Chen Chung

Title: INTERPOLATIVE INTERLEAVING OF VIDEO IMAGES

COPY

TOLER SCHAFFER, LLP

FILE INDEX

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Patents

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Diary Dates

File No: 1007-PROT0005 Application: 10/763,572 Date: 23Jan2004 Label: 6ES

Country: US (United States of America) Patent: Label: 6ES

Case Type: PAT (Patent) Client: Signatix Inc.

Status: PENDING Owner: Signatix Inc.

☐ CPA Reportable Short Title: INTERPOLATIVE INTERLEAVING OF VIDEO IMAGES Case Ref: 22644

Outstanding

Highlight row and press ...

Ctrl-K to Complete

Ctrl-H to Inhibit

Ctrl-D to Delete

N	Type	Matter	Due Date	Comp Date	Flag
→	NFO	Status Check NFO	01Feb2007		

Completed

Remove

Comp Date

to move item back to Outstanding section

N	Type	Matter	Due Date	Comp Date	Flag
→	NFO	Response to NFO Due	07Oct2006	01Aug2006	
→	MAN	Recorded Assignment Received	11Apr2006	17Feb2006	
→	FAY	Receipt of Recorded Assignment	04Apr2006	28Mar2006	
→	MAN	File Assignment	11Jan2006	11Jan2006	
→	FAY	File Declaration/Power of Attorney	23Apr2004	22Sep2004	
→	FAY	Receive Filing Receipt	23Apr2004	12Oct2004	
→	FAY	Formal Drawing Due	23Apr2004	22Sep2004	

Diary Details

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

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COPY

GARY J. EDWARDS
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gary.edwards@finnegan.com

February 5, 2007

Jeff Toler
Toler Schaffer LLP
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759

VIA FEDERAL EXPRESS

RECEIVED
FEB 7 -- 2007
TOLER SCHAFFER, LLP

Application No. 10/763,572
Filing Date: January 23, 2004
Re: Protocom application

Dear Jeff:

Enclosed please find a Notice of Abandonment received in the above-referenced matter.

Please note, we have not docketed this due date and will take no further action since this application was transferred to your office in November of 2005.

With best regards,

Sincerely,

Gary J. Edwards

GJE/aep

Enclosure: Notice of Abandonment

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MAR. 8. 2007 9:51AM

TOLER SCHAFFER

NO. 758 P. 11/19



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/78,572	01/23/2004	Chung Yi-Chen	9182.0005-00	4877

2282 7590 01/22/2007
 FITNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 90 NEW YORK AVENUE, NW
 WASHINGTON, DC 20001-4413

EXAMINER

KOSTAK, VICTOR R

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

01/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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1.29.07 GVE
 9182.0005
 3-22-07 w/callups
 Appraisal or petition due
 pma

PTOL-90A (Rev. 10/06)



8/2007 9:51AM

TOLER-SCHAFFER

NO. 758 P. 12/19

Notice of Abandonment

Application No.

10/763,572

Examiner

KOSTAK, VICTOR R

Applicant(s)

Chung Yi-Chen

Art Unit

2622

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0



MAR 8, 2007 9:52AM

TOLER SCHAFFER

NO. 758

P. 13/19

Attachment to Notice of Abandonment

For questions concerning the notice contact
Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. **Petition To Withdraw Holding of Abandonment** (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action** (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. **Petition To Revive An Abandoned Application** (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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Revised Sept 2006



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TOLER SCHAFFER

NO. 758 P. 14/19

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

**REVOCATION AND POWER OF ATTORNEY, CHANGE OF CORRESPONDENCE
ADDRESS, AND APPOINTMENT OF NEW POWER OF ATTORNEY**

I hereby revoke all previous powers of attorney given in the following applications:

_____ A Power of Attorney is submitted herewith.

X I hereby appoint the practitioners at Customer Number 60533.

CHANGE OF CORRESPONDENCE ADDRESS

Please change the correspondence address for the following applications to the address associated with Customer Number 60533.

I am the:

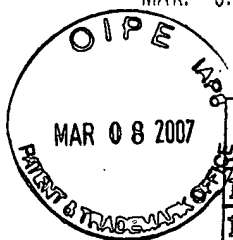
_____ Applicant/Inventor

X Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed.

Attorney Docket No.	Serial/Application No.	Application Date	First Named Inventor
1087-APOG5	08/556,615	13-Nov-95	Andrew Arman Adrian
1087-APOG8	07/633,762	26-Dec-90	John R. Howatt
1087-APOG11	09/665,029	19-Sep-00	Michael Determan
1087-APOG12	10/054,144	12-Nov-01	Michael Danielson
1087-APOG14	10/826,732	16-Apr-04	Michael Danielson
1087-APOG16	11/198,383	5-Aug-05	Michael Determan
1087-MPM0001	09/061,647	17-Apr-98	Kwang Su Moon
1087-PROT0001	10/346,736	17-Jan-03	Yi Yung Jeng
1087-PROT0002	10/438,298	13-May-03	Yi Yung Jeng
1087-PROT0003	10/438,306	13-May-03	Ren Yuh Wang
1087-PROT0004	10/693,814	24-Oct-03	Ke Chang
1087-PROT0005	10/763,572	23-Jan-04	Yi Chen Chung
1087-PROT005009	10/614,673	4-Jul-03	Chin Long Lin
1087-PROT005011	10/614,676	4-Jul-03	Chin Long Lin
1087-PROT005012	10/614,409	4-Jul-03	Chin Long Lin

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- Page 1 of 6 -



Attorney Docket No.	Serial/Application No.	Application Date	First Named Inventor
1087-RIO351	09/967,793	28-Sep-01	Hugo Fiennes
1087-RIO352	09/992,091	16-Nov-01	Mark Ireton
1087-RIO353	10/123,955	16-Apr-02	Clayton Cowgill
1087-RIO354	10/123,977	16-Apr-02	Clayton Cowgill
1087-RIO356	09/918,756	30-Jul-01	Clayton Cowgill
1087-RIO357	10/208,456	29-Jul-02	Clayton Cowgill
1087-RIO442	09/881,900	12-Jun-01	Clayton Cowgill
1087-RIO443	D451,900	11-Dec-01	Carolyn Flagiello
1087-RIO444	D451,899	11-Dec-01	Carolyn Flagiello
1087-RIO445	09/903,040	10-Jul-01	Daniel Moore
1087-RIO446	10/066,552	31-Jan-02	Clayton Cowgill
1087-RIO447	09/783,244	13-Feb-01	Mark Ireton
1087-SIG000161	11/446,612	5-Jun-06	Michael May
1087-SIG000170	11/118,150	29-Apr-05	Russell Schultz
1087-SIG000172	11/130,946	17-May-05	John Willis
1087-SIG000173	11/166,872	24-Jun-05	David Baker
1087-SIG000174	11/263,227	31-Oct-05	Matthew Henson
1087-SIG000176	11/171,918	30-Jun-05	Steven Vu
1087-SIG000178	11/171,919	30-Jun-05	Matthew Henson
1087-SIG000180	11/170,485	29-Jun-05	Marcus May
1087-SIG000181	11/166,871	24-Jun-05	Matthew Williamson
1087-SIG000182	11/170,487	29-Jun-05	Matthew Henson
1087-SIG000202	11/241,299	30-Sep-05	Richard Sanders
1087-SIG000203	11/233,999	23-Sep-05	Josef Zeevi
1087-SIG000204	11/240,581	30-Sep-05	Richard Sanders
1087-SIG000205	11/242,425	30-Sep-05	Josef Zeevi
1087-SIG000213	11/242,404	3-Oct-05	Jeffrey Alderson
1087-SIG000214	11/240,332	30-Sep-05	Jeffrey Alderson
1087-SIG000217	11/262,903	31-Oct-05	Richard Sanders
1087-SIG000218	11/312,852	19-Dec-05	Richard Sanders
1087-SIG000219	11/241,682	30-Sep-05	Richard Sanders
1087-SIG000247	11/312,672	19-Dec-05	Antonio Torrini
1087-SIG1100	08/661,333	14-Jun-96	H. Spence Jackson
1087-TST001	10/939,535	13-Sep-04	Russell Schultz
1087-TST002	10/981,086	4-Nov-04	David Baker
1087-TST005	10/969,498	20-Oct-04	Daniel Norton
1087-TST006	11/070,970	3-Mar-05	Daniel Mulligan
1087-TST007	10/952,587	27-Sep-04	Richard Sanders
1087-TST009	11/171,554	30-Jun-05	David Baker
1087-TST011	11/015,538	17-Dec-04	Matthew Felder

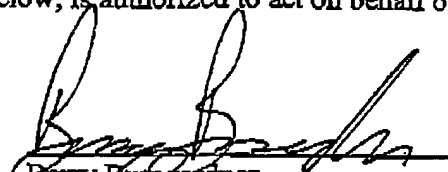


Attorney Docket No.	Serial/Application No.	Application Date	First Named Inventor
1087-TST013	11/170,475	29-Jun-05	Matthew Henson
1087-TST017	11/166,503	24-Jun-05	David Baker
1087-TST018	11/118,593	29-Apr-05	Russell Schultz
1087-TST020	11/118,587	29-Apr-05	Russell Schultz
1087-TST022	11/085,995	22-Mar-05	Richard Sanders
1087-TST023	11/085,967	22-Mar-05	Richard Sanders

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

Date

6/8/2006
512-381-3938
Telephone No.


Barry Buttgardner
General Counsel
Sigmatel, Inc.

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TOLER SCHAFFER

NO. 758

P. 17/19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

PO Box 1450

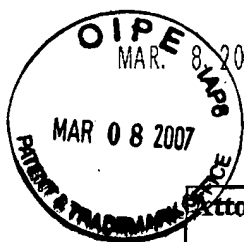
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 3.73(b)

Dear Sir.:

Sigmatel, Inc., a Delaware Corporation, states that it is the Assignee of the entire right, title and interest in the patent applications identified below by virtue of an assignment from the inventors of the patent applications recorded in the United States Patent and Trademark Office as follows:

Attorney Docket No.	Serial/No.	Application No.	Application Date	Reel/Frame
1087-APOG5	08/556,615		13-Nov-95	7822/0383
1087-APOG8	07/633,762		26-Dec-90	5555/0423
1087-APOG11	09/665,029		19-Sep-00	011357/0508
1087-APOG12	10/054,144		12-Nov-01	012837/0521
1087-APOG14	10/826,732		16-Apr-04	014796/0920
1087-APOG16	11/198,383		5-Aug-05	016487/0104
1087-MPM0001	09/061,647		17-Apr-98	017583/0561
1087-PROT0001	10/346,736		17-Jan-03	017181/0602
1087-PROT0002	10/438,298		13-May-03	017181/0613
1087-PROT0003	10/438,306		13-May-03	017181/0685
1087-PROT0004	10/693,814		24-Oct-03	017175/0563
1087-PROT0005	10/763,572		23-Jan-04	017182/0031
1087-PROT005009	10/614,673		4-Jul-03	017177/0609
1087-PROT005011	10/614,676		4-Jul-03	017143/0082
1087-PROT005012	10/614,409		4-Jul-03	017177/0653
1087-RIO351	09/967,793		28-Sep-01	016459/0097
1087-RIO352	09/992,091		16-Nov-01	016459/0513
1087-RIO353	10/123,955		16-Apr-02	016459/0559



MAR. 8 2007 9:53AM

TOLER SCHAFFER

NO. 758 P. 18/19

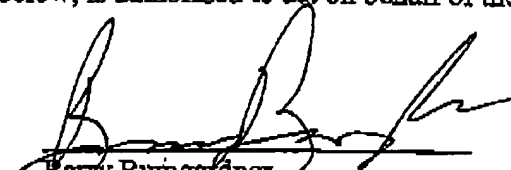
Attorney Docket No.	Serial/Application No.	Application Date	Reel/Frame
1087-RIO354	10/123,977	16-Apr-02	016459/0593
1087-RIO356	09/918,756	30-Jul-01	016459/0590
1087-RIO357	10/208,456	29-Jul-02	016459/0614
1087-RIO442	09/881,900	12-Jun-01	016446/0935
1087-RIO443	D451,900	11-Dec-01	016446/0938
1087-RIO444	D451,899	11-Dec-01	016446/0941
1087-RIO445	09/903/040	10-Jul-01	016459/0714
1087-RIO446	10/066,552	31-Jan-02	016459/0717
1087-RIO447	09/783,244	13-Feb-01	016471/0075
1087-SIG000161	11/446,612	5-Jun-06	017980/0422
1087-SIG000170	11/118,150	29-Apr-05	016520/0777
1087-SIG000172	11/130,946	17-May-05	016581/0964
1087-SIG000173	11/166,872	24-Jun-05	016731/0823
1087-SIG000174	11/263,227	31-Oct-05	017180/0438
1087-SIG000176	11/171,918	30-Jun-05	016751/0367
1087-SIG000178	11/171,919	30-Jun-05	016751/0363
1087-SIG000180	11/170,485	29-Jun-05	016746/0907
1087-SIG000181	11/166,871	24-Jun-05	016731/0914
1087-SIG000182	11/170,487	29-Jun-05	016716/0701
1087-SIG000202	11/241,299	30-Sep-05	017518/0559
1087-SIG000203	11/233,999	23-Sep-05	017038/0454
1087-SIG000204	11/240,581	30-Sep-05	017061/0501
1087-SIG000205	11/242,425	30-Sep-05	017060/0154
1087-SIG000212	11/356,338	16-Feb-06	017581/0138
1087-SIG000213	11/242,404	3-Oct-05	017520/0567
1087-SIG000214	11/240,332	30-Sep-05	017059/0029
1087-SIG000215	11/356,227	16-Feb-06	017580/0945
1087-SIG000216	11/386,873	22-Mar-06	017692/0500
1087-SIG000217	11/262,903	31-Oct-05	017762/0050
1087-SIG000218	11/312,852	19-Dec-05	017397/0075

Attorney Docket No.	Serial/Application No.	Application Date	Reel/Frame
1087-SIG000219	11/241,682	30-Sep-05	017477/0487
1087-SIG000247	11/312,672	19-Dec-05	017390/0172
1087-SIG1100	08/661,333	14-Jun-96	8078/0847
1087-TST001	10/939,535	13-Sep-04	015801/0562
1087-TST002	10/981,086	4-Nov-04	015965/0720
1087-TST005	10/969,498	20-Oct-04	017395/0707
1087-TST006	11/070,970	3-Mar-05	016363/0137
1087-TST007	10/952,587	27-Sep-04	015853/0123
1087-TST009	11/171,554	30-Jun-05	016753/0018
1087-TST011	11/015,538	17-Dec-04	016124/0917
1087-TST013	11/170,475	29-Jun-05	016742/0522
1087-TST017	11/166,503	24-Jun-05	016736/0713
1087-TST018	11/118,593	29-Apr-05	016527/0737
1087-TST020	11/118,587	29-Apr-05	016527/0457
1087-TST022	11/085,995	22-Mar-05	016406/0753
1087-TST023	11/085,967	22-Mar-05	016406/0575

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

8/18/06
Date

512-381-3938
Telephone No.


Barry Bungardner
General Counsel
Sigmatel, Inc.

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